



IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

*Fraudulent Appeal from United States District Court for the Northern District of Georgia* <sup>[1]</sup> <sup>[2]</sup>  
*[Civil Suit No. 1:24-CV-0116-JPB]*

TAMAH JADA CLARK  
(*PRO PER, SUI JURIS, SUI GENERIS*),  
**PLAINTIFF UNDER PROTEST**  
**[PLAINTIFF IN ERROR]**

Vs.

THE “STATE OF FLORIDA”, ESCAMBIA  
COUNTY SHERIFF CHIP SIMMONS  
(OFFICIAL AND PERSONAL  
CAPACITIES),  
**DEFENDANTS/DEFENDANTS IN ERROR**

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[FRAUDULENT]

APPEAL NO.

24-12164-C

Thursday, August 29, 2024

**NOTICE OF LACK OF JURISDICTION AND BREACH OF DUTY**

**SEE THE JUDICIAL CODE, SECTION 128(A); FEB. 13, 1925, CH. 229, 43 STAT. 936**

COMES NOW TAMAH JADA CLARK, **appearing specially**, “PLAINTIFF UNDER PROTEST”, to give Notice that this Court lacks jurisdiction, per The Judicial Code, Section 128(a); Feb. 13, 1925, ch. 229, 43 Stat. 936: “The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decisions—First. In the district courts, in all

<sup>1</sup> The common law, without the “United States”, is of full force and effect in the state of Georgia. *See* Act of February 25, 1784.

<sup>2</sup> Note: Every reference herein to the United States Code (U.S.C.), a government code, is for the convenience of government employees (e.g. clerks, judges, etc.) to whom it applies. Under no circumstances shall it be misconstrued as law or statute applicable to APPELLANT.

cases **save where a direct review of the decision may be had in the Supreme Court under section 238.**" (emphasis added)

**I.**

PLAINTIFF UNDER PROTEST filed the civil suit in the trial court at Law pursuant R.S. § 629 [see The Judicial Code, Sections 289, 291, & 292; Mar. 3, 1911, c. 231, § 289, 891, 292, 36 Stat. 1167], and The Judicial Code, Section 24; Mar. 3, 1911, c. 231, § 24, 36 Stat. 1091)

**II.**

PLAINTIFF UNDER PROTEST, on June 25, 2024, gave notice of appeal to the Supreme Court *for* the United States of America (i.e. sued out writ of error) pursuant Article III, Section 2, Clause 2, U.S. Constitution—1787 and **The Judicial Code, Section 238**; Mar. 3, 1911, ch. 231, § 238, 36 Stat. 1157. [See 28 U.S.C. § 2101(b)]. This Court cannot assume jurisdiction of a direct appeal under Section 238 and has, therefore, acted in the complete absence of subject-matter jurisdiction exposing all persons involved to civil suit for breach of duty.

**III.**

PLAINTIFF UNDER PROTEST has never, before today via the present Notice, contacted or communicated with this Court in any shape, form, or fashion. This Court opened the present fraudulent appeal without the knowledge or consent of PLAINTIFF UNDER PROTEST. Therefore, this Court is hereby put on notice to CEASE AND DESIST all business in this Court which was fraudulently instituted in the name of PLAINTIFF UNDER PROTEST.

**IV.**

The presiding Judges in the trial court and in this Court, in misconstruing and misapplying federal law outside of their constitutional Power and statutory Authority to deprive PLAINTIFF UNDER PROTEST of the statutory right of appeal under Mar. 3, 1911, ch. 231, § 238, 36 Stat. 1157 [The Judicial Code, Section 238], has unlawfully engaged in the practice of

law in violation of Mar. 3, 1911, ch. 231, §258, 36 Stat. 1161<sup>3</sup> and R.S. § 713. [See 28 U.S.C. 454].

## V.

The Clerks of this Court and the trial court, in misconstruing and misapplying federal law outside of their constitutional Power and statutory Authority to deprive PLAINTIFF UNDER PROTEST of the statutory right of appeal under Mar. 3, 1911, ch. 231, § 238, 36 Stat. 1157 [The Judicial Code, Section 238], have unlawfully engaged in the practice of law in violation of Mar. 3, 1911, ch. 231, §§273, 274, 36 Stat. 1164<sup>[4][5]</sup> and R.S §§ 748, 749. [See 28 U.S.C. § 955].

## PROOF/CERTIFICATE OF SERVICE

PLAINTIFF UNDER PROTEST certifies that this Notice is served on DEFENDANTS contemporaneous with its filing with the Clerk, on August 29, 2024, via United States Postal Service (USPS) first-class mail (electronically unavailable) as follows.

- a. (For DEFENDANT "THE 'STATE OF FLORIDA'"): The "State of Florida"  
c/o Office of Governor Ron DeSantis, 400 S. Monroe St., Tallahassee FL 32399.
- b. (For DEFENDANT "CHIP SIMMONS"): Escambia County Sheriff Chip Simmons, 1700 West Leonard Street, Pensacola FL 32501.

<sup>3</sup> "It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. Any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor." The Judicial Code, Section 258.

<sup>4</sup> "No clerk, or assistant or deputy clerk, of any Territorial district, or circuit court of appeals, or of the Court of Claims, or of the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in any of said courts, or in any district for which he is acting as such officer." The Judicial Code, Section 273.

<sup>5</sup> "Whoever shall violate the provisions of the preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office." The Judicial Code, Section 274.

*I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the date specified on page 1. [See 28 U.S.C. § 1746(1)].*

/s/ Tamah Jada Clark

TAMAH JADA CLARK *EX REL.*

**PLAINTIFF UNDER PROTEST**

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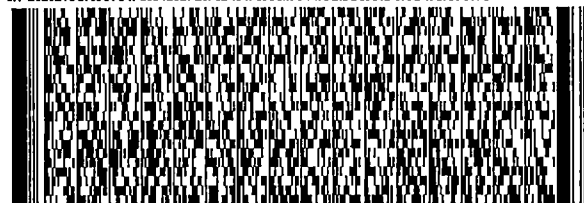
TO : DAVID J. SMITH, CLERK OF COURT  
U.S. COURT OF APPEALS FOR THE 11TH  
56 FORSYTH ST., N.W.

ATLANTA GA 30303

(417) 221-9006  
INV 10209620  
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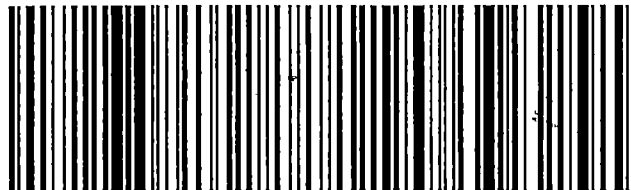
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